

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CIVIL ACTION NO.: 06-CV-00052-DBH

DAVID L. FREDRICK,
Plaintiff,

vs.

ST. MATTHEW'S UNIVERSITY
(CAYMAN LTD.),
Defendant.

**REQUEST FOR JUDICIAL NOTICE OF COURT DOCUMENTS,
DISTRICT OF NEVADA (CASE NO. CV-S-05-0848-BES-LRL)**

Plaintiff, David L. Fredrick ("Fredrick"), hereby requests that the Court take judicial notice of the following documents, relating to the action filed by Defendant St. Matthew's University (Cayman LTD.) against David L. Fredrick (the plaintiff in this action), in the United States District Court, District of Nevada (St. Matthew's University (Cayman Ltd.) v. Saba University School of Medicine Foundation, Case No. CV-S-05-0848-BES-LRL):

1. Affidavit of Vincent F. O'Rourke, Jr., attached hereto as Exhibit A; and
2. Affidavit of David L. Fredrick, attached hereto as Exhibit B.

Fredrick submits this request pursuant to Federal Rule of Evidence 201, which authorizes the judicial notice of facts that are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, and which makes judicial notice of such matters mandatory if requested by a party and supplied with the necessary information. Fed.R.Evid.201(b) & (d). Courts in the First Circuit have indicated that court files are among those matters of which a court must take judicial notice if supplied with the requisite

information. Graham v. Smith, 292 F.Supp. 2d 153, n.2 (citing 21 Wright & Graham, Federal Practice and Procedure: Evidence § 5106; Lusier v. Runyon, 50 F.3d 1103, 1114 n.14 (1st Cir, 1995)); see also Mullis v. United States Bank. Ct., 828 F.2d 1385, 1388, fn. 9 (9th Cir. 1987).

The documents referenced above were filed with the Nevada Court, and are accordingly a part of the Nevada Court's file. For these reasons, Fredrick respectfully requests that this Court take judicial notice of these documents and consider the documents in connection with its ruling on Fredrick's Opposition to St. Matthew's University's (Cayman Ltd.) Motion to Dismiss or Transfer Amended Complaint.

DAVID L. FREDRICK,
By His Attorneys,

/s/ Barry A. Bachrach
Barry A. Bachrach (002641)
Bowditch & Dewey, LLP
311 Main Street
P.O. Box 15156
Worcester, MA 01615-0156
Tel. No.: 508-791-3511
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Of counsel:
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April 21, 2006

EXHIBIT A

TO

**REQUEST FOR JUDICIAL NOTICE OF COURT DOCUMENTS,
DISTRICT OF NEVADA (CASE NO. CV-S-05-0848-BES-LRL**

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ST. MATTHEW'S UNIVERSITY)	Case No.: CV-S-05-0848-RCJ(LRL)
(CAYMAN) LTD., a Cayman Islands company,)	
)	
Plaintiff,)	
)	
vs.)	
)	
SABA UNIVERSITY SCHOOL OF)	
MEDICINE FOUNDATION, a Netherland-)	
Antilles company; MEDICAL UNIVERSITY)	
OF THE AMERICAS, a St. Kitts & Nevis)	
company; EDUCATION INFORMATION)	
CONSULTANTS, INC., a Massachusetts)	
corporation; EDUCATIONAL INTERNATIONAL)	
CONSULTANTS, LLC, a Massachusetts)	
limited liability company; PATRICIA L. HOUGH,)	
M.D. an individual, and d.b.a. "Saba University)	
School of Medicine"; DAVID L. FREDRICK, an)	
individual; PANKAJ DESAI, M.D., an individual;)	
ASSOCIATION OF AMERICAN)	
INTERNATIONAL MEDICAL GRADUATES,)	
INC., a Nevada corporation, a.k.a.)	
"aaimg@yahoo.com"; THOMAS MOORE, M.D.)	
a.k.a. "presaaimg@hotmail.com" and)	
"crocdoc2004@netzero.net," an individual;)	
SARAH B. WEINSTEIN a.k.a.)	
"execsecaaimg@hotmail.com," an individual;)	
RACHAEL E. SILVER, an individual; and)	
DIEDRE MOORE, an individual,)	
)	
Defendants.)	

AFFIDAVIT OF VINCENT F. O'ROURKE, JR.

I, Vincent F. O'Rourke, Jr., being sworn under oath depose and state as follows:

1. I am an attorney licensed to practice in the Commonwealth of Massachusetts.
2. I represent the defendant David L. Fredrick in this matter.

3. Attached hereto as Exhibit A are true and accurate copies of pages which appeared on the website of plaintiff, St. Matthew's University on March 10, 2006.

4. This attachment describes the Concurrent Degree Program maintained between St. Joseph's College of Maine and St. Matthew's University.

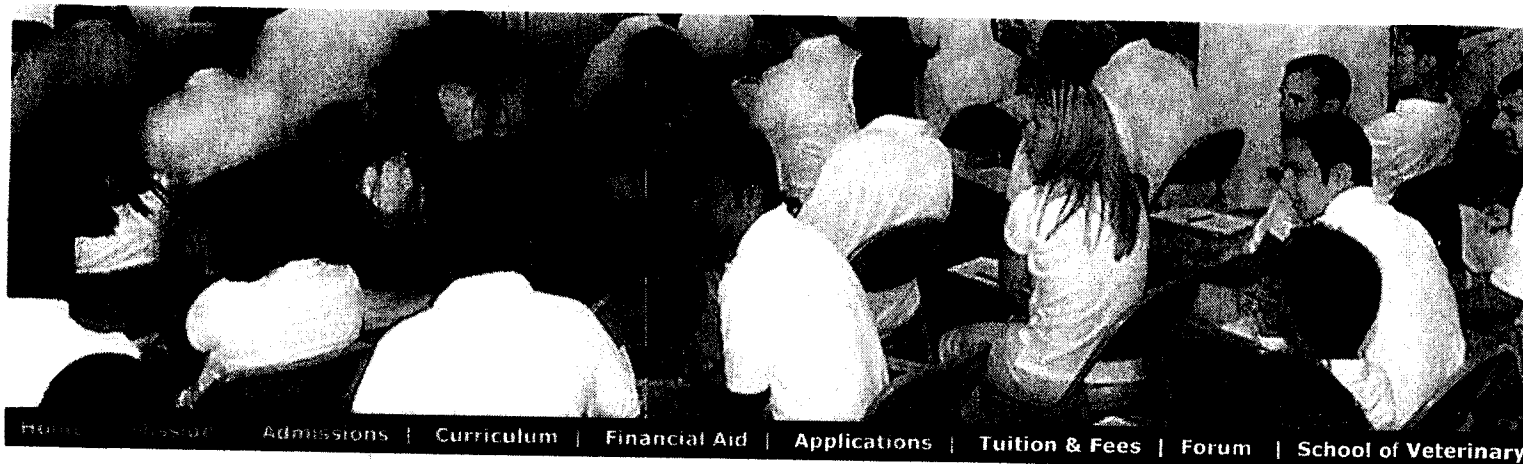
5. The fourth page of the attachment advises "You complete fourth and fifth semesters of your St. Matthew's MD program in Maine, a state known for its hospitality, recreation and breathtaking beauty during all four seasons. And you can easily have your family living with you while completing your coursework in Maine."

Signed under the pains and penalties of perjury this 10th day of March, 2006.



Vincent F. O'Rourke, Jr.

EXHIBIT A



- [Catalog](#)
- [Catalog Request](#)
- [Concurrent Degree Program](#)
- [Credentials](#)
- [Curriculum](#)
- [European Student Information](#)
- [Financial Aid](#)
- [Immigration](#)
- [Preview SMU](#)
- [Residence Hall](#)
- [Student Affairs](#)
- [Student Life](#)
- [Search](#)
- [Contact Us](#)

Concurrent Degree Program

Page 1 of 1

Saint Joseph's College of Maine

Through an affiliation with St. Joseph's College of Maine, St. Matthew's students can earn a Master of Science in Health Services Administration (MSHA) degree from SJC while they are completing the Doctor of Medicine (M.D.) degree with SMU.

The MSHA program is a wonderful complement to the medical degree. Training covers U.S. health care systems, organizational theory and behavior, health services administration, health care financial management, research methods, management information systems, ethical and legal perspectives, strategic management, health policy and politics, and three electives. Students who enroll in both programs gain invaluable skills to deal with managed health care in the United States.

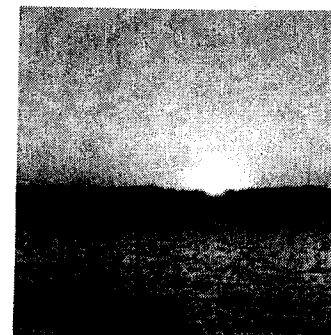
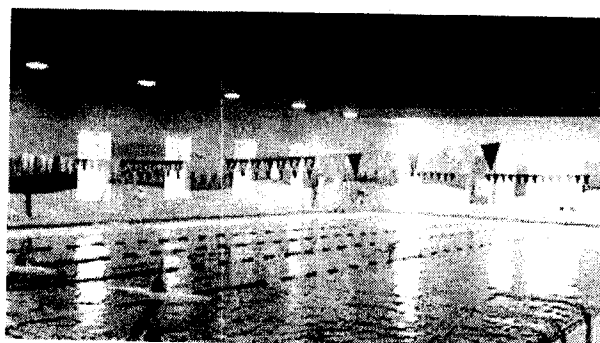
Saint Joseph's College of Maine was founded by the Sisters of Mercy in 1912 and is accredited by the New England Association of Schools and Colleges. The 331-acre campus is 18 miles from Portland, Maine, on the shores of Sebago Lake. Information about Saint Joseph's College of Maine can be found at www.sjcme.edu/smu or by contacting Ann L. Jalbert in the Saint Joseph's College, Division of Graduate and Professional Studies Admissions office:

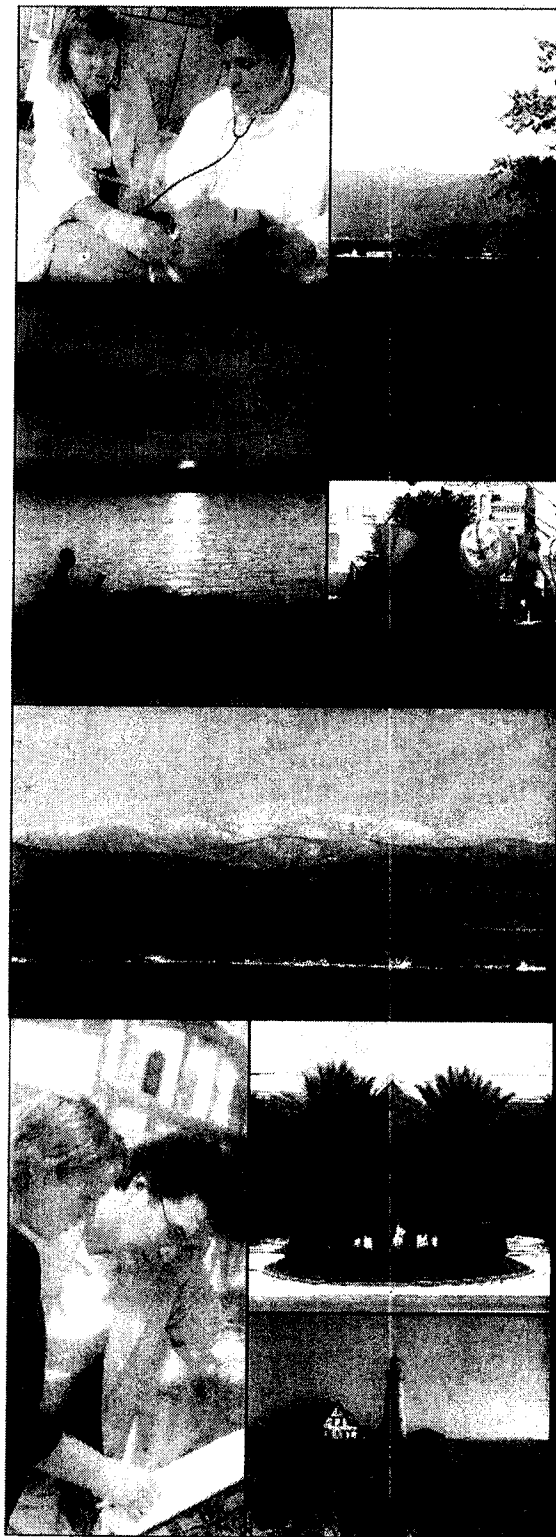
Telephone: 1-207-893-7761 or 1-800-752-4723 (US)

Fax: 1-207-892-7480

E-mail: ajalbert@sjcme.edu

[Click here](#) for more information on the Concurrent Degree Program.





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St. Joseph's College of Maine

The employment outlook is strong in the health care industry for those with graduate degrees in administration.

- More and more doctors need to have complementary skills to compete successfully for residencies and job positions. A Master in Health Services Administration (MHSA) degree gains you a significant advantage because it offers you mastery in leadership skills needed for a rapidly evolving health care industry.
- Through a unique Saint Joseph's College of Maine program, you can earn your MHSA at the same time you are earning your MD.
- According to the U.S. Department of Labor, master's degree in health services administration, long-term care administration, or business administration is now the employment standard for most generalist management positions.
- With 2.6 million projected new jobs in the health care services sector through 2010¹, there will be a strong demand for leaders and managers who are skilled beyond the MD degree to navigate complex health care systems.
- The MHSA will lead to better job opportunities in health facilities with better earning potential.

¹U.S. Department of Labor, Bureau of Labor Statistics



Program background

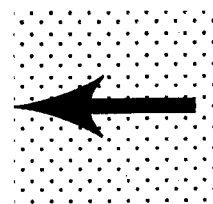
- Saint Joseph's College of Maine has offered the MHSA degree since 1985. In 1993 it established a unique concurrent degree program for St. Matthew's University medical students who would be able to enter the health care profession with a dynamic combination of credentials – the MD and the MHSA.

- The practice of medicine today is much more regulated and complex than ever. Potential employers will look favorably on the skills and knowledge your dual degree offers in the area of regulatory and legal issues, labor, liability, demographics and technology.

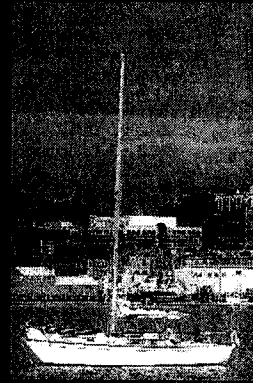
- Pursuing the MHSA degree enables you to apply for the Stafford Student Loan, a federal financial aid program of low interest loans.

- You complete fourth and fifth semesters of your Saint Matthew's MD program in Maine, a state known for its hospitality, recreation and breathtaking beauty during all four seasons. And you can easily have your family living with you while completing your coursework in Maine.

- The Maine campus offers excellent resources, including the extensive holdings of the Wellehan Library. Borrowing privileges among a number of southern Maine libraries expand your research reach even further while in Maine, including that of nearby Maine Medical Center, which was recently named one of the Top 100 Hospitals in the United States.



- The Saint Joseph's campus in Maine offers a truly magnificent lakeside location on 530 acres. Just 15 miles northwest of Portland, Maine's largest city, and an hour from Boston, the campus hugs the shores of Sebago Lake, in one of the most memorable four-season recreation areas in the state.



- You won't even have to leave our campus to enjoy the outdoors: head down to the beachfront to lounge or go for a swim, walk the wooded trails, or sit in the dining hall to enjoy the sweep of trees and lake amid the backdrop of the White Mountains.

3

Learning, research, and recreation in a magnificent setting

- Besides Portland offers shopping, art galleries, and beaches, professional sports teams, the public market, a wide range of musical and stage venues, and, of course, unforgettable seafood right off the fishing boats.

- If you're on campus during the annual Summer Program, you can live in traditional residence halls, townhouses, or suite-style living quarters. Every room offers an e-mail account, cable television and a high-speed Internet connection. When you want a break from your studies, the Alford Recreation Center provides an indoor running track, climbing wall, pool, and fitness center, as well as student lounge areas. Off-campus housing includes a variety of options and can be easily arranged.

- We like to call learning at Saint Joseph's College of Maine "excellent excellence in a magnificent setting!"

As a graduate of St. Matthew's University, you will be qualified to practice medicine. As a graduate of Saint Joseph's College, you also will be qualified to practice health care management. The MHSA program equips you to act effectively as a leader in the field of health care.

The MHSA degree integrates learning, scholarship and experience. It emphasizes social and economic public policy, organizational and financial management, human resources and policy planning, ethics, and leadership skills so important to developing effective health care managers.

Curriculum

Care Curriculum (18 semester hours credit)

- United States Health Care Systems
- Leadership in Health Care Administration
- Quality Management & Performance Improvement
- Health Care Financial Management
- Research Methods
- Strategic Planning & Management

Practice Management Specialty (15 credits)

- Practice Management Concepts & Strategies
- Practice Operations Management
- Strategic Human Resources Management
- Ambulatory Care Administration
- Managed Care & Reimbursement

Electives (6 credits - two courses from a list of 16, including:)

- Medical Informatics
- Delivering Health: Transcultural Health Perspectives
- The Regulatory & Financial Environment of International Health Care
- Health Policy & Politics

Capstone Course (4 credits, choose one option)

- Applied Research Paper
- Applied Management Project
- Mentored Practicum





Program requirements

- To earn the Master in Health Services Administration, you must satisfactorily complete 42 graduate credits, with an overall Grade Point Average of 3.0 or higher. These credits consist of a core curriculum of six courses, five courses in the Practice Management specialty, two elective courses, and the concluding Capstone coursework that serves as the final integrative study.

- In order to complete this graduate program concurrently as you earn your Doctor of Medicine degree, you will need to begin your first semester of medical school and the MHSA program at the same time (see note below). Thereafter, you must complete two MHSA courses each semester along with your pre-clinical science courses at St. Matthew's University. At the end of the fifth semester, you have four remaining MHSA courses that are completed either as distance education courses or by attending courses in Maine during the annual Summer Program.

Note: Although it is possible to begin the MHSA program after your first semester, you must enroll no later than your third semester. Starting later than the first semester, however, means additional MHSA courses via distance education, once the MD is completed.

An affordable investment

• Compared to most graduate administration programs, the cost of the MHSA from Saint Joseph's College is extremely affordable. If you qualify, you may receive federal financial aid, and defer any current student loans while you are completing this program. For more information about financial aid, contact the Office of Financial Aid at Saint Joseph's College at 800-752-1266.

• If you are applying for financial aid, special guidelines must be followed and you must also complete all required forms. These can be accessed on our Web site at www.sjmc.edu/bsm (click on Financial Aid).

Admissions Requirements and Process

• To be eligible for admission into the Master in Health Services Administration, you must have completed a Bachelor's degree from an accredited institution (or have accumulated at least 90 undergraduate credits) and be accepted as a medical student at St. Matthew's University. (When using 90+ credits, you will be unable to receive your MHSA degree until you have earned your MD degree from St. Matthew's.)

• An application is available from our Web site at www.sjmc.edu/sma (click on Apply).





- Once you have been accepted into the program, the International Program Coordinator will enroll you in your courses, assist you in obtaining necessary documents for your coursework, and help arrange housing when you come to Miami. A meal plan through Saint Joseph's College also is available.

- Applicants from outside the USA (non-English speaking countries) must submit a test of English as a Foreign Language (TOEFL), unless graduated from an English speaking school at the secondary level. The TOEFL score for students must have a score of 520 or higher.

If you need assistance or have any additional questions, please call us at 800-752-5668 or 207-893-7829. You may also e-mail us at snu@sjcme.edu.

Saint Joseph's College adheres strictly with regard to race, ethnicity, sex, national or ethnic origin, gender, age, or disability in the admission process and actively encourages all qualified individuals to apply for admission to the College. The College does not discriminate on the basis of race, color, religion, national or ethnic origin, gender, age, or disability in administration, policies, programs and policies, scholarship and financial aid, employment, and other school administered programs. Saint Joseph's College is also authorized under federal law to employ, hire, promote, or otherwise treat its students.

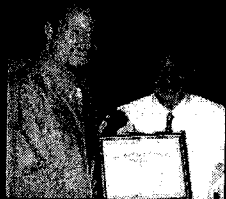
You can apply for admission and be accepted into the Master in Health Services Administration program in either the spring, summer or fall semesters, up to your third semester at St. Matthew's medical school. It is strongly recommended that you begin the program in your first semester, as the schedule below depicts. During the summer, you are eligible to complete courses in Maine during the annual Summer Program in June and July.

Session	Location	Course / Activity	Credits
1st Semester	Grand Cayman	Core Curriculum	6
2nd Semester	Grand Cayman	Core Curriculum	6
3rd Semester	Grand Cayman	Core Curriculum	6
4th Semester	Maine	Practice Management Specialty	6
5th Semester	Maine	Practice Management Specialty	6
Subsequent Semesters - Minors		Practice Management Specialty & Electives	12
Total			42

Saint Joseph's College of Maine is accredited by the New England Association of Schools & Colleges (www.neasc.org)

Affiliations & Memberships

- American College of Health Care Administrators
- National Association of Boards of Examiners of Long-Term Care Administrators
- Association for Continuing Higher Education
- The Council of Independent Colleges
- Maine Higher Education Council
- Maine State Department of Education
- The National Association of Independent Colleges and Universities



"The atmosphere of the campus is ideal for learning. It is a very peaceful and serene place to study. At Saint Joseph's College the faculty and staff are first-class. I would definitely recommend the program to colleagues of mine."



"I believe this program will have a positive impact on my career progression. I will have more employment opportunities in administrative and managerial positions than I would have been able to obtain with the MEd only."



Sharon Lamm, MEd/MHSA student

"I have gained a better understanding of how hospital management works and how to deal with the inevitable problems that come up."

"I spent virtually every evening I got in the library, and the librarian was always so fun, nice, and helpful. I loved going for runs to the bridge, and sticking my feet into the lake. The sunsets over Selago Lake are amazing."

Clay Johnson, MHSA '02

"Saint Joseph's has been a perfect fit for my professional and family life. The curriculum was challenging & interactive with current topics. Now my family and I are celebrating my recent graduation, as well as my latest promotion."

Tedd Alan Comerford, MHSA '01

"Thank you for your teaching and guidance throughout this course. The material is very applicable and helps to gain a better overview of health care in general."

Mameen Green, MHSA student

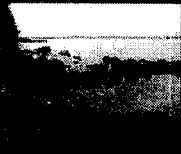
Saint Joseph's College of Maine
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www.sjcme.edu/smu

A Unique Program for Students of
St. Matthew's University School of Medicine



Saint Joseph's College of Maine
Master in Health Services Administration

EXHIBIT B

TO

**REQUEST FOR JUDICIAL NOTICE OF COURT DOCUMENTS,
DISTRICT OF NEVADA (CASE NO. CV-S-05-0848-BES-LRL**

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ST. MATTHEW'S UNIVERSITY)
(CAYMAN) LTD., a Cayman Islands company,)
)
Plaintiff,)

Case No.: CV-S-05-0848-RCJ(LRL)

vs.)

SABA UNIVERSITY SCHOOL OF)
MEDICINE FOUNDATION, a Netherland-)
Antilles company; MEDICAL UNIVERSITY)
OF THE AMERICAS, a St. Kitts & Nevis)
company; EDUCATION INFORMATION)
CONSULTANTS, INC., a Massachusetts)
corporation; EDUCATIONAL INTERNATIONAL)
CONSULTANTS, LLC, a Massachusetts)
limited liability company; PATRICIA L. HOUGH,)
M.D. an individual, and d.b.a. "Saba University)
School of Medicine"; DAVID L. FREDRICK, an)
individual; PANKAJ DESAI, M.D., an individual;)
ASSOCIATION OF AMERICAN)
INTERNATIONAL MEDICAL GRADUATES,)
INC., a Nevada corporation, a.k.a.)
"aaimg@yahoo.com"; THOMAS MOORE, M.D.)
a.k.a. "presaaimg@hotmail.com" and)
"crocdoc2004@netzero.net," an individual;)
SARAH B. WEINSTEIN a.k.a.)
"execsecaaimg@hotmail.com," an individual;)
RACHAEL E. SILVER, an individual; and)
DIEDRE MOORE, an individual,)
)
Defendants.)

AFFIDAVIT OF DAVID L. FREDRICK

I, David L. Fredrick, being sworn under oath depose and state as follows:

1. I have reviewed the Amended Complaint in this matter in which I have been named as a Defendant.

2. My primary residence is in Sarasota County, Florida, as alleged in the Amended Complaint.

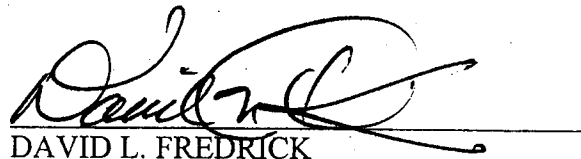
3. I have never engaged in business with or solicited business from anyone in the State of Nevada and have only been in Nevada twice, once for an educational conference and once for a wedding.

4. I have never had any involvement in the activities of American International Medical Graduates, Inc. ("AAIMG"). I have never had or exercised any authority over AAIMG. I had no involvement in the incorporation of AAIMG.

5. I have not participated in, conspired to commit, authorized, aided, abetted, furnished the means to perform, advised or encouraged any of the activities which the Amended Complaint alleges were performed by the other defendants in this matter in connection with the formation of AAIMG or in connection with statements made and actions allegedly taken by them and/or AAIMG with respect to St. Matthew's University (CAYMAN) LTD.

6. I categorically deny any acts of wrongdoing on my part directed towards St. Matthew's University.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 9th DAY OF
FEBRUARY, 2006.

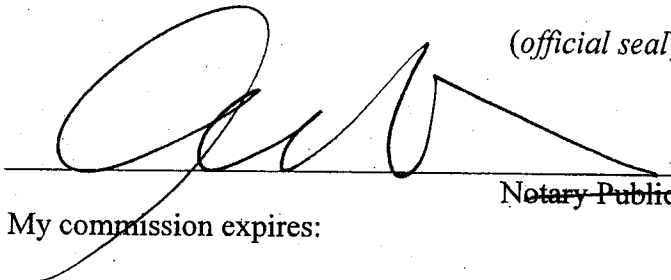


DAVID L. FREDRICK

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 10 day of Feb 2006, before me, the undersigned notary public, personally appeared Danilo Ferreira proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that (he/~~she~~) signed it voluntarily for its stated purpose.
~~(as attorney in fact for _____).~~

 (official seal)

Notary Public
My commission expires:

MICHAEL P. ANGELINI
NOTARY PUBLIC
MY COMMISSION EXPIRES: DECEMBER 17, 2010